

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

1.959 ACRES OF LAND, more or less, in
STARR COUNTY, TEXAS; et al.,

Defendants.

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CIVIL ACTION NO. 7:20-cv-00323

FINAL JUDGMENT

Pursuant to the Court's previous orders, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. The full and just compensation payable by the United States for the taking of Tract RGV-RGC-2001¹ shall be the sum of twenty-four thousand dollars and 00/100 (\$24,000.00), which is in full satisfaction of any claim of whatsoever nature by Defendants Socorro Molina Peña, Irma Serna Molina, Marco Arnoldo Molina, Jr., Luis Eduardo Molina, Irma Molina, Rebecca Molina, Veronica Molina, the Unknown Heirs of Constantino Garza Flores, and Ameida Salinas, Starr County Tax Assessor/Collector, against the United States for the institution and prosecution of the above-captioned action.
2. Judgment shall be and is hereby entered against the United States in the amount of twenty-four thousand dollars and 00/100 (\$24,000.00) plus any accrued interest for the taking of Tract RGV-RGC-2001.
3. The United States shall be and is hereby entitled to immediate possession of Tract RGV-

¹ Dkt. Nos. 1-1 & 2-1 at 6–15 (Schedules C, D, and E).

RGC-2001, and all persons in possession or control of the interests taken in the Subject Property are **ORDERED** to surrender possession of same to the United States of the condemned estate:

The estate acquired is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of the lands identified in conveyances recorded in the Official Public Records of Starr County, Texas, on January 25, 1945, in Volume 137, Page 124, Document Number 1945-22533, and Affidavit of Heirship recorded in the Official Records of Starr County, Texas, on January 11, 2010, in Volume 1261, Page 434, Document Number 1972-287980, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.²

4. The total said sum of twenty-four thousand dollars and 00/100 (\$24,000.00), with accrued interest, shall be subject to all taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable to and deductible from this amount.
5. Defendants Socorro Molina Peña, Irma Serna Molina, Marco Arnoldo Molina, Jr., Luis Eduardo Molina, Irma Molina, Rebecca Molina, Veronica Molina, and the Unknown Heirs of Constantino Garza Flores remain responsible for the payment of any additional taxes or

² Dkt. Nos. 1-1 & 2-1 at 14 (Schedule E).

assessments, which they otherwise owe on the interests in the property taken in this proceeding on the date of the taking.

6. In the event that any other party is ultimately determined to have any right to receive compensation for the interest taken in the Subject Properties, Defendants shall refund the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by Defendants, to the date of repayment into the Registry of the Court.
7. The parties shall be responsible for their own legal fees, costs, and expenses, including attorneys' fees, consultants' fees, and any other expenses or costs.
8. Defendants shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to accomplish their stipulated partial judgment.
9. Defendants shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interest in the property taken in this proceeding on the date of taking.
10. The stipulated just compensation remains on deposit in the Court's Registry.³ The Clerk of Court shall now, without further order of the Court, **DISBURSE** the total sum of twenty-four thousand dollars and 00/100 (\$24,000.00), **along with any accrued interest earned thereon while on deposit**, payable by check as follows:

- **\$1,616.20** to "Starr County Tax Assessor/Collector," account number 0055973, on account of the taxes owed on the subject property.

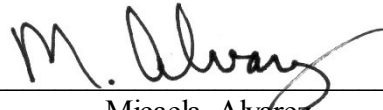
³ Dkt. No. 5.

- **\$9,793.59** to “Rebecca Molina” with accrued interest from the date of deposit, on account of the combined 43.75% interest of Irma Serna Molina, Irma Molina, Rebecca Molina, Veronica Molina, Marco Arnoldo Molina, Jr., and Luis Eduardo Molina.⁴
- **\$9,792.91** to “Socorro Molina Peña” with accrued interest from the date of deposit, on account of her 43.75% interest.
- **\$2,797.30** with accrued interest, will remain on deposit in the Court’s registry, pursuant to 28 U.S.C. § 2042, on account of the 12.50% interest of landowner Unknown Heirs of Constantino Garza until such time any heirs should come forward to claim said funds.

All claims in this case having been resolved, the Court hereby renders final judgment in accordance with Federal Rule of Civil Procedure 54. This case is terminated, and the Clerk of the Court is instructed to close the case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 20th day of September 2021.



Micaela Alvarez
United States District Judge

⁴ The parties have agreed to disbursement of their just compensation amounts in a single check made payable to Rebecca Molina, which they will divide and distribute amongst themselves.

